



## 1997 ASSEMBLY BILL 96

February 12, 1997 - Introduced by Representatives NASS, RILEY, M. LEHMAN, KREIBICH, AINSWORTH, ZUKOWSKI, GUNDERSON, HAHN, MUSSER, ALBERS, GOETSCH, SCHAFFER, SKINDRUD, SERATTI, GARD, GROTHMAN, OLSEN, OTT, F. LASEE, WARD, SYKORA, FOTI, TURNER, HANDRICK, LORGE and OWENS, cosponsored by Senators ZIEN, WELCH, MOORE, A. LASEE, SCHULTZ, DRZEWIECKI, FITZGERALD, DARLING, HUELSMAN and FARROW. Referred to Committee on Highways and Transportation.

- 1     **AN ACT to amend** 342.30 (4) (a); and **to create** 342.30 (4) (d) of the statutes;  
2             **relating to:** vehicles or vehicle parts having an altered or obliterated vehicle  
3             identification number.

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### *Analysis by the Legislative Reference Bureau*

Under current law, a law enforcement officer may seize a vehicle or vehicle part (vehicle) having a vehicle identification number (VIN) that has been altered or obliterated. If the VIN cannot be identified, the seized vehicle is presumed to be contraband and a person must prove ownership to reclaim the property. If the VIN can be identified, the vehicle may be returned to its owner or may be retained as seized property. Any seized vehicle is subject to forfeiture in the same manner as stolen property, except that, if a criminal action is commenced in the matter, the forfeiture action may not commence until after a final determination is reached in the criminal action.

Under this bill, a law enforcement officer may not seize a vehicle that has an altered or obliterated VIN unless the officer has a reasonable basis to believe that the VIN was altered or obliterated with the intention to deceive another, and to induce such other person, in reliance upon such deception, to transfer, alter or terminate a right or obligation with respect to the property. The bill requires the custodian of a seized motorcycle or motorcycle part whose VIN can be identified to immediately return the motorcycle or motorcycle part to its registered owner if no forfeiture action is commenced within 30 days after the motorcycle or motorcycle part is seized.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 342.30 (4) (a) of the statutes is amended to read:

2           342.30 (4) (a) If a law enforcement agency finds a vehicle or part of a vehicle  
3 on which the identification number has been removed, altered or obliterated or made  
4 impossible to read, the law enforcement agency may seize the vehicle or part of a  
5 vehicle. If the identification number cannot be identified, the seized vehicle or  
6 vehicle part is presumed to be contraband. If Except as provided in par. (d), if the  
7 identification number can be identified, the agency may return the vehicle to the  
8 registered owner. Except as provided in par. (b), the district attorney shall institute  
9 forfeiture proceedings under s. 973.076 regarding any vehicle or vehicle part that is  
10 seized under this paragraph and not returned to the owner.

11           **SECTION 2.** 342.30 (4) (d) of the statutes is created to read:

12           342.30 (4) (d) If the identification number of a motorcycle or part of a motorcycle  
13 seized under par. (a) can be identified and if no forfeiture proceeding is commenced  
14 under s. 973.076 within 30 days after the seizure of the property, the custodian of the  
15 seized property shall immediately return the seized property to the owner named in  
16 the certificate of title or registration. If a motorcycle or part of a motorcycle is not  
17 returned to the owner named in the certificate of title or registration as required in  
18 this paragraph, and if the owner of the property commences a replevin action to  
19 recover possession of the property, and if the judge finds that the custodian of the  
20 property unreasonably retained the property after 30 days after the seizure, the

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1 court shall award the owner the costs and reasonable attorney fees incurred in the  
2 replevin action.

3 (END)